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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DANIELE MARTINEZ,)	Case No.: 1:21-cv-01383-BAM
)	
Plaintiff,)	STIPULATION TO VOLUNTARY
)	REMAND PURSUANT TO
vs.)	SENTENCE FOUR OF 42 U.S.C.
)	§ 405(g) AND TO ENTRY OF
)	JUDGMENT
KILOLO KIJAKAZI,)	
Acting Commissioner of Social)	ORDER
Security,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between Plaintiff and Kilolo
Kijakazi, Acting Commissioner of Social Security (the Commissioner or

Defendant), through their respective counsel of record, that this action be remanded for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g), sentence four.

On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision. The Appeals Council will instruct the ALJ to consider the medical opinions and prior administrative medical findings of record in assessing Plaintiff's residual functional capacity. The Appeals Council will instruct the ALJ to take further action, as warranted, to complete the administrative record and resolve the above issues.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted,

Date: May 11, 2022

/s/ *Francesco Benavides

By: FRANCESCO BENAVIDES

**By email authorization on [May 11, 2022]*

Attorney for Plaintiff

Date: May 11, 2022

By: /s/ Elizabeth Landgraf

ELIZABETH LANDGRAF

Special Assistant United States Attorney

Attorney for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation"), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge for a new

1 decision in accordance with the parties' Stipulation. The Clerk of the Court is
2 directed to enter a final judgment in favor of Plaintiff, and against Defendant,
3 reversing the final decision of the Commissioner.

4 IT IS SO ORDERED.

5 Dated: May 11, 2022

6 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE